

BOARD OF CHIROPRACTIC EXAMINERS
FINAL STATEMENT OF REASONS

Hearing Date: September 29, 2008, in Sacramento CA.

Subject Matter of Proposed Regulations: Chiropractic Quality Review Panes

Section Affected: Title 16, Division 4, California Code of Regulations, Section 305 and 306.1.

Updated Information: The Initial Statement of Reasons is included in the file. No changes have been made which would warrant an update to the Initial Statement of Reasons.

Local Mandate: None

Small Business Impact: This action will not have significant adverse economic impact on small businesses.

Consideration of Alternatives: No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Objections or Recommendations/Responses:

The following comments were made, either in writing or orally during the public comment period or at the public hearing, regarding the proposed action:

Written Comment:

The Board received written comments from Julianne D' Angelo Fellmeth, Administrative Director, Center for Public Interest Law (CPIL) expressing their strong support in the Board's proposed repeal of section 306.1. Ms. D' Angelo Fellmeth comments that the proposed repeal is consistent with the notions of fairness and consistency in adjudicatory proceedings, and is supported by precedents at both the Bar and Medical Board.

Response:

This comment of support was accepted by the Board and considered in the adoption of the proposed action.

Oral testimony presented at the September 29, 2008 public hearing:

Comment:

Ed Howard, Senior Council, Center for Public Interest Law expressed his support and applauded the Board for their decision to repeal a program that has never been implemented. He further stated that the State Bar and Medical Board had similar programs that failed due to reasons such as, the cost to implement the programs; the need to train members in procedures necessary to guarantee due process for licensees and public protection for consumers; the conflict of interest to have colleges and/or competitors make judgment of another; inefficiency of the program; and the risk of inconsistency in the decision making between the different counties.

Response:

This comment of support was accepted by the Board and considered in the adoption of the proposed action.